

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT GREENFIELD

Plaintiff,

-against-

RICHARD SOKOLOFF

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 29 2002 ★

LONG ISLAND OFFICE

COMPLAINT

CV 02 4259

SEYBERT, J.
WALL, M.J.

Plaintiff, by and through his attorney, Adam J. Fishbein, as and for his complaint alleges
as follows:

INTRODUCTION

0.1 This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

PARTIES

0.2 Plaintiff is a natural persons residing in Suffolk County, New York.

0.3 Upon information and belief, defendant is an attorney with his principal place of business in Riverhead, New York.

0.4 Upon information and belief, defendant is an attorney who is engaged in the business of collecting debts and a debt collector as defined pursuant to 15 U.S.C. § 1692a(6).

JURISDICTION

0.5 This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

1.1 Plaintiff realleges paragraphs 0.1 through 0.5 as if fully restated herein.

1.2 That a personal debt was allegedly incurred by the plaintiff to Port Jefferson

Emergency Medical Care.

1.3 That at a time unknown to the plaintiff herein, the aforementioned debt was referred to the defendant for collection.

1.4 The defendant sent an initial letter to the plaintiff dated June 13, 2002 (appended hereto).

1.5 Said letter states in pertinent part: "I have been requested to notify you of this delinquency in order to give you an opportunity to settle this account amicably. I strongly urge you to remit the full payment now."

1.6 Said language violates 15 U.S.C. 1692g as it contradicts the consumer's right to dispute the debt for the initial thirty day period.

1.7 Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) That defendant violated 15 U.S.C. § 1692e by using false, deceptive and misleading means in connection with the collection of an alleged debt.

(b) That defendant violated 15 U.S.C. § 1692e(10) by using false representations and deceptive means in an attempt to collect an alleged debt.

(c) That defendant violated 15 U.S.C. § 1692g by contradicting the plaintiff's rights.

1.8 As a result of the above violations of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory damages to be determined at trial, plus costs and attorney's fees.

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

(a) Statutory damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial.

(b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.

(c) For such other and further relief as may be just and proper.

Dated: Cedarhurst, New York
July 24, 2002



Adam J. Fishbein (AF-9508)

Attorney At Law

Attorney for the Plaintiff

366 Pearsall Avenue, Suite 5

Cedarhurst, New York 11516

Telephone (516) 239-9393

Facsimile (516) 371-5175

Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)

Richard Sokoloff
Attorney at Law
28 Lincoln Street
Riverhead NY 11901
PH: (631) 369-7181 FAX: (631) 369-7153

ROBERT GREENFIELD
4 WOODCHUCK TRAIL
CORAM, NY. 11727

June 13, 2002

|||||

RE: PORT JEFFERSON EMERG. MED. CARE
ACCOUNT #: 441748
AMOUNT: \$180.00 PLEASE ASK FOR: MRS. WALKER
PATIENT: GREENFIELD, ROBERT PH#: (631) 369-7181 EXT. 314
DATE(S) OF SERVICE: 07/23/01 - 07/23/01

DEAR ROBERT GREENFIELD :

I HAVE BEEN RETAINED BY MY CLIENT TO OBTAIN PAYMENT OF AN OUTSTANDING OBLIGATION AS INDICATED ABOVE. I HAVE BEEN REQUESTED TO NOTIFY YOU OF THIS DELINQUENCY IN ORDER TO GIVE YOU AN OPPORTUNITY TO SETTLE THIS ACCOUNT AMICABLY. I STRONGLY URGE YOU TO REMIT THE FULL AMOUNT DUE NOW.


KINDLY MAKE ALL CHECKS PAYABLE TO RICHARD SOKOLOFF, ESQ. AND INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK.

FOR YOUR CONVENIENCE, MY OFFICE ACCEPTS VISA AND MASTERCARD. IF YOU PREFER TO PAY BY CREDIT CARD, PLEASE CALL (631) 369-7181.

IN ADDITION TO PAYING BY CREDIT CARD YOU MAY CALL OUR OFFICE AND PAY BY CHECK OVER THE PHONE.

(UNDERSTAND THAT ANY INFORMATION I OBTAIN WILL BE USED FOR THE PURPOSE OF ATTEMPTING TO COLLECT THIS DEBT.)

SINCERELY


RICHARD SOKOLOFF, ESQ.
RS:A01

IMPORTANT CONSUMER NOTICE

"UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND WILL MAIL YOU A COPY OF SUCH VERIFICATION OR JUDGMENT. IF YOU REQUEST FROM THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR."